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SERVICE DATE – OCTOBER 13, 2017

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 772X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN GREENBRIER
AND NICHOLAS COUNTIES, W. VA.

Decided: October 12, 2017

CSX Transportation, Inc. (CSXT) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon an approximately 14.4-mile rail line, known as the G&E Subdivision, in the Southern Region, Florence Division, between milepost CAJ 0.0 at the switch to the Sewell Valley Subdivision mainline track in Rainelle, and the end of the line at milepost CAJ 14.43 about two miles northeast of Green Valley, in Greenbrier and Nicholas Counties, W. Va. (the Line).¹ Notice of the exemption was served and published in the Federal Register on September 15, 2017 (82 Fed. Reg. 43,447). The exemption is scheduled to become effective on October 17, 2017.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) on September 22, 2017, recommending that one condition be imposed on any decision granting abandonment authority. OEA noted that CSXT served a historic report on the West Virginia State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c). In a reply to the report, the SHPO commented that additional information was needed to complete its review of the proposed abandonment. Accordingly, OEA recommended that CSXT be required to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108. OEA also recommended that CSXT be required to report back to OEA regarding any consultations with the SHPO, appropriate federally recognized tribes, and the public and not be permitted to file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process had been completed and the Board had removed this condition.

OEA issued its final EA on October 12, 2017, noting that no comments to the EA were received by the October 10, 2017 due date and reiterating its recommendation that the previously recommended condition be imposed. Accordingly, the condition recommended by OEA in the EA and final EA will be imposed.

¹ In its verified notice, CSXT stated that, following abandonment, it planned to consummate the abandonment, reclassify the Line as a spur track, and lease it to a customer who planned to redevelop the site and use the track to reach its facility.

Based on OEA's recommendation, the proposed abandonment, if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the notice served and published in the Federal Register on September 15, 2017, exempting the abandonment of the Line described above is subject to the condition that CSXT shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. CSXT shall report back to OEA regarding any consultations with the SHPO, appropriate federally recognized tribes, and the public. CSXT shall not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.
3. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.